IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 18440 of 2006(T)

O.S.1748/1999 of PRL.MUNSIFF COURT, IRINJALAKUDA

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PETITIONER:

VERONICA, AGED 52,
W/O.MANJOORANVEETIL THOMAS,NORTH CHALKUDY DESOM,
POTTA VILLAGE,MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

KUTTAPPAN,S/O.THOMPRAKUDIYIL SANKARAN,
EAST CHALKUDY VILLAGE - DESOM,
MUKUNDAPURAM TALUK.

BY ADV. SRI.SHEEJO CHACKO
SRI.M.N.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the plaint in O.S.No.1748/99 dated 15-10-99 on the file of the Munsiff Court, Irinjalakuda

Ext.P2: True copy of the sale proclamation issued by the Munsiff Court, Irinjalakuda in E.P.No.681/02 in O.S.No.1748/99 dated 22-6-06.

// True copy //

P.A. to Judge

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M.N.KRISHNAN, J.

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W.P.(C)NO.18440 OF 2006

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Dated this the 30th day of January 2007

JUDGMENT

The main prayer in the writ petition is to stay the execution in O.S.1748/99 till the regular second appeal No.1244/05 is heard and disposed off by this Honourable court. The very writ petition is clear abuse of the process of the court. If a person is entitled to file a second appeal and files second appeal, it is for that court to consider whether the decree is to be stayed or not. It is not correct to file a writ petition to get a stay of the execution in a matter where a second appeal is said to have been filed by the very same writ petitioner. This writ petition lacks bonafide and dismissed.

M.N.KRISHNAN, JUDGE

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